

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEROME TALLEY,

Plaintiff,

v.

T.C. BAILEY, *et al.*,

Defendants.

CASE NO. C08-752-RSM

ORDER DISMISSING § 1983 ACTION

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, plaintiff's objections, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this action are DISMISSED without prejudice for failure to state a claim upon which relief can be granted. Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot.
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Donohue.

DATED this 16th day of July, 2008.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE